

### REMARKS

Applicants submit herewith a certified copy of Application No. 0212397 as required by 35 U.S.C. § 119(b), and an English translation of the document.

#### New Claim Addition

Applicants have added new claim 15. Basis for new claim 15 can be found, for example, in the specification on page 7, lines 22-25. Accordingly, no new matter has been added.

#### Objections to the Specification

The specification has been objected to due to certain formalities, specifically, that respective headings should precede each section of the specification. Applicants previously submitted a Preliminary Amendment dated April 6, 2005, in which the appropriate headings were inserted into the specification. Accordingly, Applicants herein resubmit the amendments to the specification set forth in the April 6, 2005 Preliminary Amendment, and requests entry thereof.

The specification has also been objected to as reference number 34 was misidentified as referring to both a "wall" and a "plane first face." The specification has been amended to correctly identify that reference number 44 identifies the "plane first face" as shown in Figure 2. Accordingly, Applicants submit that no new matter is added by way of this amendment, and requests entry of the amendment to the specification.

#### Objections to the Abstract

The abstract has been objected to due to certain formalities, specifically that the term "said" is considered to be legal language and, therefore, not appropriate for the abstract of the disclosure. Applicants previously submitted a Preliminary Amendment dated April 6, 2005, in which corrections to the abstract were made, including deletion of the word "said." Accordingly, Applicants herein resubmit the amendments to the Abstract set forth in the April 6, 2005 Preliminary Amendment, and requests entry thereof.

Four lines of miscellaneous text inadvertently appearing at the bottom of the abstract have also been deleted as shown.

Claim Rejections Pursuant to 35 U.S.C. § 112

Claims 7-14 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Dependent claims 8-14 depend, directly or indirectly, from independent claim 7. Claim 7 was rejected for having insufficient antecedent basis for the terms “the axis” and “the axis (Y, Y’).” These terms have been clarified to recite “an axis” and “an axis (Y, Y’)” respectively. Basis for these amendments can be found, for example, in the specification on page 7, lines 6-13. Accordingly, no new matter has been added. Claim 7 was also rejected for including indefinite functional language. Accordingly, claim 7 has been amended to recite that “whereby the screw head is introduced” and, to delete the phrase “by activation of the clamping member.” Applicants respectfully request withdrawal of the rejection of claims 7-14 under 35 U.S.C. § 112, second paragraph.

Claim Rejections Pursuant to 35 U.S.C. § 103(a)

Claims 7, 8, 10, and 13-14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,565,567 to Haider (hereinafter “Haider”) in view of U.S. Patent No. 6,443,953 to Perra et al. (hereinafter “Perra”). The Examiner asserts that Haider discloses the presently claimed invention except for the use of at least two fastening systems and screws within the system. To rectify this deficiency, the Examiner has applied Perra as disclosing a spinal implant system that comprises at least two fastening systems and screws in order to provide stability and immobilization of misaligned bone segments. Applicants have amended independent claim 7 to recite, in relevant part:

“a second aperture having a first portion and a second portion, said two portions communicating with each other, the first portion being angularly offset relative to the second portion about an axis (Y, Y’) of the axial passage of the fastening member”.

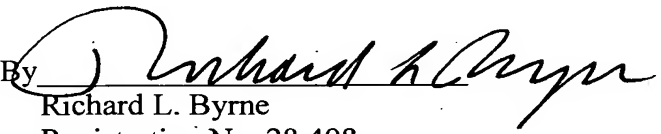
As shown in Figure 3, and recited on page 7, lines 10-13 of the Applicants’ specification:

“Figure 3 shows that the second aperture 40 in fact consists of two portions 46 and 48 that communicate with each other and are angularly offset relative to the axis Y, Y’ of the fastening member.”

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Accordingly, no new matter has been added by the present Amendment. Neither Haider nor Perra, or the combination of Haider or Perra, teach or suggest a second aperture having a first portion and a second portion, the first portion being angularly offset relative to the second portion about an axis (Y, Y') of the fastening member. Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of the application.

Respectfully submitted,  
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